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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Honorable Bill Richardson  
House of Representatives  
2349 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Richardson:

This is in response to your letter dated August 18, 1993, regarding PR Docket 93-61, adopted March 11, 1993. This proceeding involves regulations for Automatic Vehicle Monitoring (AVM) systems. In your letter, you express concern that our proposals will adversely affect some AVM users in the 902-928 MHz band and that, at the expense of certain AVM services, the spectrum will be assigned on an exclusive basis.

AVM systems are currently licensed on a shared basis in the 902-928 MHz band under interim rules adopted in 1974. Under these rules, AVM systems are only licensed on a permanent basis in two sub-bands, 904-912 MHz and 918-926 MHz. In PR Docket 93-61 we proposed to license AVM systems on a non-exclusive basis throughout the 902-928 MHz band. Because, however, some commenters, as well as research by the staff, have indicated that various types of AVM systems may have difficulty co-existing, we proposed to divide the 902-928 MHz band into five sub-bands, the 904-912 and 918-926 MHz bands and the 902-904, 912-918, and 926-928 MHz bands and to divide AVM systems into two categories, wide-band systems, which require a bandwidth of from two to eight MHz, and narrow-band systems, which require a bandwidth of less than two megahertz. Under our proposal wide-band systems would be licensed on a non-exclusive basis in the 904-912 and 918-926 MHz bands and narrow-band systems would be licensed on a non-exclusive basis in the remaining three sub-bands. We also proposed an alternative approach providing exclusive licensing of wide-band systems for five-years, after which we would begin licensing on a non-exclusive basis. Under either approach we proposed that currently licensed narrow-band systems migrate out of spectrum reserved for wide-band systems over a three-year period.

You express concern that existing users will incur significant expense if they are required to modify their operations and that licensing this spectrum on an exclusive basis will limit its use and the variety AVM of services that can be provided. As stated previously, our proposal is to license AVM systems in this band on a non-exclusive basis unless it proves to be technically infeasible to do so. Although AVM systems have been licensed on a shared basis in the past, there have been no instances to date where two constructed wide-band AVM systems have shared spectrum in the same market. In some instances where wide-band and narrow-band AVM have shared spectrum we have received claims of interference. Accordingly, there is no conclusive evidence that complete sharing of the 902-928 MHz band by AVM systems is feasible. During the course of this rule making proceeding, however, we are continuing

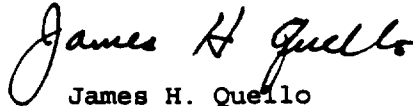
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to grant AVM licenses to all qualified applicants on a non-exclusive basis, just as we have done in the past.

Although we believe that our proposed division of the 902-928 MHz band between wide-band and narrow-band AVM systems and licensing AVM systems on a shared basis provides an equitable distribution of users and services, we fully realize the complicated nature of this proceeding and its far reaching consequences on Intelligent Vehicle Highway Systems and the transportation industry in general. No final decisions have been reached in this proceeding and we are carefully considering the opinions expressed by all commenters before making final decisions on our proposals. My fellow Commissioners and I share your interest in minimizing any adverse effects this proceeding may have on existing users and licensees and in promoting technologies for Intelligent Vehicle Highway Systems. I assure you that these considerations will weigh significantly in our decision making process.

I thank you for your interest in this matter. I trust this is responsive to your concerns.

Sincerely,

A handwritten signature in cursive script that reads "James H. Quello".

James H. Quello  
Chairman

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BILL RICHARDSON  
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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3103**  
**August 18, 1993**

CHAIRMAN, SUBCOMMITTEE ON  
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The Honorable James H. Quello  
Chairman  
Federal Communications Commissions  
1919 M Street N.W.  
Washington, D.C. 20554

Dear Chairman Quello:

I am writing to express my concern about the Commission's Notice of Proposed Rulemaking (NPRM) - PR Docket 93-61 - regarding Automatic Vehicle Monitoring (AVM) systems. Many government services and businesses that rely on this bandwidth could be hindered by the approach that the Commission is considering.

I am concerned that users being displaced under the NPRM would suffer great expense in reconfiguring their equipment. Additionally, having to operate within a much narrower frequency spectrum could force a company to cease providing certain services. This reduction of spectrum could threaten the growth of existing and emerging technologies for Intelligent Vehicle Highway Systems, just as the demand for them is accelerating.

As a policy matter, I favor conditions that maximize spectrum use of the entire band under consideration. To that end, I urge the Commission to weigh carefully any deviation from a shared spectrum policy. Lastly, if the Commission concludes that this spectrum cannot be maintained under a shared arrangement, I would be greatly interested in the Commission's justification.

Sincerely,

BILL RICHARDSON  
Chief Deputy Majority Whip

BR/mm

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